

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1222

Introduced by Senator Leno

February 23, 2012

An act to add *and repeal* Chapter 7.5 (commencing with Section 66015) ~~to~~ of Division 1 of Title 7 of the Government Code, relating to solar energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1222, as amended, Leno. Solar energy: permits.

Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law provides that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires fees charged by a local agency for specified purposes, including permits, to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by, $\frac{2}{3}$ of the electors.

This bill would require permit fees for rooftop solar energy systems, *as specified*, by a city, county, ~~or city and county, including any charter city, county, or city and county, with a population of over 10,000 residents~~ *city or county, or charter city* to not exceed the estimated reasonable cost of providing the service for which the fee is charged,

which cannot exceed ~~\$300~~ \$400 or \$400 and \$5 per kilowatt for each kilowatt above 15 kW, as specified, unless certain conditions are met. This bill would require a city, county, or city and county, including any charter city, county, or city and county, to submit a report to the State Energy Resources Conservation and Development Commission, as specified.

By requiring local agencies to perform additional duties, the bill would impose a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The provisions of the bill would remain in effect only until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Rooftop solar energy systems are a leading renewable energy
- 4 technology that will help this state reach its energy and
- 5 environmental goals.
- 6 (b) It is anticipated that more than 1,000,000 additional rooftop
- 7 solar energy systems will be deployed in this state in the coming
- 8 years.
- 9 (c) Various reports show that the permitting costs associated
- 10 with the installation of rooftop solar energy systems varies widely
- 11 across jurisdictions in this state.
- 12 (d) High permitting fees increase the costs of installation and
- 13 reduce the ability for solar to be deployed across all income
- 14 spectrums.
- 15 (e) Providing statewide permit fee standards will increase the
- 16 deployment of solar distributed generation, provide solar customers
- 17 greater installation ease, improve the state's ability to reach its
- 18 clean energy goals, and create jobs in this state.

SEC. 2. Chapter 7.5 (commencing with Section 66015) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 7.5. FEES FOR ROOFTOP SOLAR ENERGY SYSTEMS

66015. (a) ~~A~~ *For rooftop solar energy systems that produce less than or equal to 15 kilowatts (kW) of peak direct current electricity:*

(1) ~~A city, county, or city and county, including any charter city, county, or city and county, with a population of over 10,000 residents city and county, or charter city~~ shall not charge permit fees for rooftop solar energy systems that exceed the estimated reasonable cost of providing the service for which the fee is charged, which shall not exceed ~~three hundred dollars (\$300)~~ *four hundred dollars (\$400)*.

~~(b) A~~

(2) *Notwithstanding paragraph (1), a city, county, or city and county, including any charter city, county, or city and county, or charter city* may charge permit fees for rooftop solar energy systems that exceed ~~three hundred dollars (\$300)~~ *four hundred dollars (\$400)* if, as part of the report filed pursuant to subdivision ~~(e)~~ *a written finding and an adopted resolution or ordinance*, it provides ~~a calculation related to substantial evidence of the administrative cost to issue the permit.~~

~~(c) A city, county, or city and county, including any charter city, county, or city and county, shall submit a report to the State Energy Resources Conservation and Development Commission, no later than December 1, 2013, with all of the following information:~~

~~(1) Whether its jurisdiction has modernized their building standards code and permitting procedures to reduce costs for the installation of rooftop solar energy systems based on state law and the most current guidelines developed by the California Building Standards Commission.~~

~~(2) Whether it has adopted fees that equal the administrative cost related to the issuance of a permit for rooftop solar energy system installation.~~

~~(3) Whether it has an electronic permit submittal process available to the public.~~

1 (b) For rooftop solar energy systems that produce more than
2 15 kW of peak direct current electricity:

3 (1) A city, county, city and county, or charter city shall not
4 charge permit fees for rooftop solar energy systems that exceed
5 the estimated reasonable cost of providing the service for which
6 the fee is charged, which shall not exceed four hundred dollars
7 (\$400) and five dollars (\$5) per kilowatt for each kilowatt above
8 15 kW.

9 (2) Notwithstanding paragraph (1), a city, county, city and
10 county, or charter city may charge permit fees for rooftop solar
11 energy systems that exceed four hundred dollars (\$400) and five
12 dollars (\$5) per kilowatt for each kilowatt above 15 kW if, as part
13 of a written finding and an adopted resolution or ordinance, it
14 provides substantial evidence of the administrative cost to issue
15 the permit.

16 (c) A written finding adopted pursuant to subdivision (a) or (b)
17 shall include all of the following:

18 (1) A determination that the municipality has adopted
19 appropriate ordinances, permit fees, and processes to streamline
20 the submittal and approval of permits for solar energy systems
21 pursuant to the practices and policies in state guidelines and model
22 ordinances.

23 (2) A calculation related to the administrative cost of issuing a
24 solar rooftop permit.

25 (3) A description of how the higher fee will result in a quick
26 and streamlined approval process.

27 (d) For purposes of this section, “administrative costs” means
28 the costs incurred in connection with the review, approval, and
29 issuance of the permit, and the hourly site inspection and followup
30 costs.

31 ~~(d)~~

32 (e) It is the intent of the Legislature that a city, county, ~~or city~~
33 ~~and county, including any charter city, county, or city and county,~~
34 ~~or charter city~~ that meets the obligations of subdivisions (a) and
35 (b) receive priority access to state ~~and federal~~ funds for the
36 purposes of distributed energy generation planning, permitting,
37 training, or implementation.

38 (f) This chapter shall remain in effect only until January 1, 2018,
39 and as of that date is repealed.

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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